



*United States Attorney
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**UNITED STATES FILES CIVIL SUIT AGAINST OWNER-OPERATOR
OF YONKERS BUS COMPANY FOR ALLEGEDLY VIOLATING
FEDERAL REGULATIONS ON UNDERGROUND STORAGE TANKS**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced that the United States filed a civil complaint today in federal court against SALVATORE DIPAOLO, JR., the owner-operator of Central Bus Company in Yonkers, New York. The Complaint alleges that DIPAOLO failed to pay \$80,317 in penalties assessed by the U.S. Environmental Protection Agency ("EPA") for violations connected to his operation of two underground diesel fuel storage tanks. The Complaint further alleges that DIPAOLO failed to comply with EPA regulations regarding underground storage tanks ("USTs") and seeks injunctive relief and additional civil penalties.

In May 2004, the EPA issued a final administrative order, pursuant to the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984 ("RCRA"), that assessed civil penalties against DIPAOLO for violations of the federal underground storage tank regulations regarding his operation of fuel storage tanks at 845 Nepperhan Avenue in Yonkers (the "Facility"). The order also required DIPAOLO to comply with release-detection and upgrade measures, intended to prevent and stop leaks, as mandated by federal regulation.

According to the Complaint, DIPAOLO failed to pay the penalties assessed by EPA and failed to comply with the injunctive provisions requiring him to comply with EPA regulations regarding USTs. Moreover, the Complaint alleges that DIPAOLO failed to respond to a formal written request from EPA in December 2004 that sought information concerning USTs at the Facility, thereby violating the RCRA provision requiring owners

or operators of USTs to furnish information to EPA upon request.

The Complaint seeks injunctive relief requiring DIPAOLO to comply with the release-detection and upgrade requirements or, in the alternative, to permanently close the USTs. It also seeks payment of the \$80,317 civil penalty assessed in the May 2004 administrative order, as well as (i) \$32,500 for each day of DIPAOLO'S alleged noncompliance with the injunctive provisions of the administrative order (starting on July 29, 2004, the effective date of the administrative order); and (ii) \$11,000 per tank per day for DIPAOLO'S alleged failure to respond to EPA'S request for information (starting on January 10, 2005, the first day after the deadline for responding to the information request.)

Mr. GARCIA stated: "This Office will take to court those who fail to comply with federal environmental laws and rules regarding the handling of substances that could harm our communities."

Assistant United States Attorney RUSSELL M. YANKWITT is in charge of the case.

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